

REMARKS

The Office Action mailed August 24, 2006 has been carefully reviewed and the following remarks are made in response thereto. Claims 1, 3-10, 15-32 and 34-71 are pending in the application and were last examined. In the Office Action, claims 1, and 3-10 were rejected and claims 15-32 and 34-71 were objected to. Claims 1, 4, 9 and 10 have been amended herein.

Rejection of Claims Under 35 U.S.C. § 102

Claims 1, 3-10, stand rejected as allegedly being anticipated by Aquadro et al. (Genetics, Vol. 103, pages 287-312, 1983). The Examiner cites Aquadro as teaching polymorphic sites at positions 316, 16129, 16148, 16278 and 16519. Applicants have amended the claims to remove these positions as well as position 182.

Claim Objections

Claims 15-32 and 34-71 are objected to as being dependent from a rejected claim. As discussed above, Applicants have amended the independent claims to remove positions 182, 316, 16129, 16148, 16278 and 16519. In view of the amendments applicants respectfully request removal of this objection.

CONCLUSION

Having addressed all outstanding issues, Applicants respectfully request reconsideration and allowance of the case. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5768.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.01-0431. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

August 31, 2007

/Sandra E. Wells/

Sandra E. Wells
Reg. No. 52,349

Legal Department
Affymetrix, Inc.
3420 Central Expressway
Santa Clara, CA 95051
Tel: 408/731-5000
Fax: 408/731-5392